

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GEORGE WYATT, et al.,

Plaintiffs,

v.

D. TRUMP, et al.,

Defendants.

Case No. 3:18-CV-0398-MMD-CBC

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice IB 1-4. For the reason set forth below, it is recommended that plaintiffs' motion for *in forma pauperis* be denied and the complaint be dismissed without prejudice.

Plaintiffs have submitted a complaint that is largely incomprehensible and seems to allege that a government agency may owe them trillions of dollars (ECF No. 1). The complaint seems to reference other cases filed in New York, Texas, and Washington (*Id.*). Plaintiffs present no facts from which the court could infer that the District of Nevada is the proper venue for their claims. See 28 U.S.C. § 1391(b). None of the claims appear to have occurred in this District and none of the defendants reside here.

When venue is improper, the district court has the discretion to either dismiss the case or transfer it "in the interest of justice." See 28 U.S.C. § 1406(a). The court finds that the interest of justice would not be served by transferring this case to another forum.

A review of other courts' records indicate that Mr. Wyatt is precluded from proceeding *in forma pauperis* under 28 U.S.C. 1915(g), absent a showing that he is under

1 imminent danger of serious physical injury. See *Wyatt v. Dallas Sheriff Dep't*, No. 4:11-
2 CV-115 (N.D. Tx. Feb 25, 2011); *Wyatt v. Stacks*, 4:05-CV-1032 (S.D. Tx. April 8, 2005);
3 *Wyatt v. Stardust Apartments*, 4:99-CV-0940 (N.D. Tx. December 29, 1999); and *Wyatt*
4 *v. Stardust Apartments*, 4:96-CV-0817 (N.D. Tx. December 3, 1996). Although the court
5 finds plaintiffs' allegations difficult to decipher, the court finds that no requisite showing of
6 imminent danger of serious physical injury has been made.

7 Therefore, it is recommended that plaintiffs' motion for *in forma pauperis* (ECF No.
8 1) be denied and the complaint be dismissed without prejudice for lack of venue.

9 The parties are advised:

10 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of
11 Practice, the parties may file specific written objections to this report and recommendation
12 within fourteen days of receipt. These objections should be entitled "Objections to
13 Magistrate Judge's Report and Recommendation" and should be accompanied by points
14 and authorities for consideration by the District Court.

15 2. This report and recommendation is not an appealable order and any notice
16 of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District
17 Court's judgment.
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20 RECOMMENDATION

21 For the reasons stated above, the undersigned Magistrate Judge recommends that
22 the District Court enter an order **DENYING** plaintiffs' motion for leave to proceed *in forma*
23 *pauperis* (ECF No. 1) and **DISMISSING** plaintiffs' complaint without prejudice.

24 DATED: February 6, 2019.

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26 
27 UNITED STATES MAGISTRATE JUDGE
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